

EXHIBIT D

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

CAMOFI MASTER LDC AND
CAMHZN MASTER, LDC,

Plaintiffs,

- against -

U.S. COAL CORP., EAST COAST MINER, LLC, AND JAD
COAL COMPANY, INC.,

Defendants.

U.S. COAL CORPORATION, AND JAD COAL COMPANY,

Counterclaim Plaintiffs,

- against -

CAMOFI MASTER LDC AND CAMZHN MASTER LDC,

Counterclaim Defendants.

CENTRECOURT ASSET MANAGEMENT, LLC,

Additional Defendant on the Counterclaims.

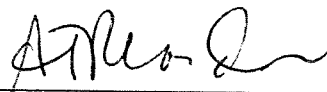
Index No. 650411/12

NOTICE OF FILING OF
PETITION FOR
REMOVAL

PLEASE TAKE NOTICE that, on June 17, 2014, Defendants-Counterclaim Plaintiffs JAD Coal Company, Inc. and U.S. Coal Corporation filed a Petition for Removal of this Action to the United States District Court for the Southern District of New York (the "Petition"). A true copy of the Petition is annexed hereto as Exhibit A.

Dated: New York, New York
June 17, 2014

NIXON PEABODY LLP

By: 
Abigail T. Reardon

*Attorneys for Defendants U.S. Coal
Corporation and JAD Coal Company, Inc.,*
437 Madison Avenue
New York, New York 10022
(212) 940-3000

TO:

Clerk
Supreme Court, New York County
60 Centre Street
New York, New York 10007-1402

AKIN GUMP STRAUSS HAUER & FELD LLP
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Robert J. Boller
Rachel J. Presa
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New York, New York 10036
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*Counsel for CAMOFI Master LCD, CAMHZN Master LDC
and Centrecourt Asset Management, LLC*

THE NELSON LAW FIRM
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White Plains, NY 10601
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Counsel for East Coast Miner, LLC

EXHIBIT A

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B5 (Official Form 5) (12/07)

Document Page 1 of 6
FORM 5. INVOLUNTARY PETITION

United States Bankruptcy Court Eastern District of Kentucky		INVOLUNTARY PETITION	
IN RE (Name of Debtor - If Individual: Last, First, Middle) J. A. D. Coal Company, Inc.		ALL OTHER NAMES used by debtor in the last 8 years (Include married, maiden, and trade names.)	
Last four digits of Social-Security or other Individual's Tax-ID No./Complete EIN (If more than one, state all.)			
STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code) P.O. Box 297 Coldiron, KY 40819		MAILING ADDRESS OF DEBTOR (If different from street address) 1400 LLC 300 West Vine Street Suite 1100 Lexington, KY 40507	
COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS Harlan			
LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (If different from previously listed addresses)			
CHAPTER OF BANKRUPTCY CODE UNDER WHICH PETITION IS FILED <input type="checkbox"/> Chapter 7 <input checked="" type="checkbox"/> Chapter 11			
INFORMATION REGARDING DEBTOR (Check applicable boxes)			
Nature of Debts (Check one box) Petitioners believe: <input type="checkbox"/> Debts are primarily consumer debts <input checked="" type="checkbox"/> Debts are primarily business debts	Type of Debtor (Form of Organization) <input type="checkbox"/> Individual (Includes Joint Debtor) <input checked="" type="checkbox"/> Corporation (Includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.) _____	Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51)(B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other	
VENUE <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in the District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> A bankruptcy case concerning debtor's affiliate, general partner or partnership is pending in this District.		FILING FEE (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Petitioner is a child support creditor or its representative, and the form specified in § 304(g) of the Bankruptcy Reform Act of 1994 is attached. <i>[If a child support creditor or its representative is a petitioner, and if the petitioner files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.]</i>	
PENDING BANKRUPTCY CASE FILED BY OR AGAINST ANY PARTNER OR AFFILIATE OF THIS DEBTOR (Report information for any additional cases on attached sheets.)			
Name of Debtor Licking River Mining, LLC	Case Number 14-10201	Date 05/22/2014	
Relationship Affiliate	District Eastern District of Kentucky	Judge Tracey N. Wise	
ALLEGATIONS (Check applicable boxes) 1. <input checked="" type="checkbox"/> Petitioner(s) are eligible to file this petition pursuant to 11 U.S.C. § 303(b). 2. <input checked="" type="checkbox"/> The debtor is a person against whom an order for relief may be entered under title 11 of the United States Code. 3.a. <input checked="" type="checkbox"/> The debtor is generally not paying such debtor's debts as they become due, unless such debts are the subject of a bona fide dispute as to liability or amount; or 3.b. <input type="checkbox"/> Within 120 days preceding the filing of this petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.		COURT USE ONLY	

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Name of Debtor J. A. D. Coal Company, Inc.

Case No. _____

TRANSFER OF CLAIM

☐ Check this box if there has been a transfer of any claim against the debtor by or to any petitioner. Attach all documents evidencing the transfer and any statements that are required under Bankruptcy Rule 1003(a).

REQUEST FOR RELIEF

Petitioner(s) request that an order for relief be entered against the debtor under the chapter of title 11, United States Code, specified in this petition. If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.

Petitioner(s) declare under penalty of perjury that the foregoing is true and correct according to the best of their knowledge, information, and belief.

X/s/ Paul Lyon, CEO

Signature of Petitioner or Representative (State title)

Mineral Labs, Incorporated

Name of Petitioner

June 4, 2014

Date Signed

Name & Mailing
Address of Individual
Signing in Representative
Capacity

**Paul Lyon, CEO
Mineral Labs, Incorporated
Box 549
Salyersville, KY 41465**

X/s/ Ellen Arvin Kennedy, Esq.

Signature of Attorney

June 4, 2014

Date

Ellen Arvin Kennedy, Esq.

Name of Attorney Firm (If any)

**Dinsmore & Shohl LLP
250 West Main Street
Suite 1400
Lexington, KY 40507**

Address

Telephone No. (859) 425-1000

X/s/ Wayne Marcum, President

Signature of Petitioner or Representative (State title)

Marcum Oil Company, Inc.

Name of Petitioner

June 4, 2014

Date Signed

Name & Mailing
Address of Individual
Signing in Representative
Capacity

**Wayne Marcum, President
Marcum Oil Company, Inc.
27288 Wilderness Road
Jonesville, VA 24263**

X/s/ Ellen Arvin Kennedy, Esq.

Signature of Attorney

June 4, 2014

Date

Ellen Arvin Kennedy, Esq.

Name of Attorney Firm (If any)

**Dinsmore & Shohl LLP
250 West Main Street
Suite 1400
Lexington, KY 40507**

Address

Telephone No. (859) 425-1000

X/s/ Kenneth J. Lund, Senior Vice President

Signature of Petitioner or Representative (State title)

Forge Group North America Asset Mgmt.

Name of Petitioner

June 4, 2014

Date Signed

Name & Mailing
Address of Individual
Signing in Representative
Capacity

**Kenneth J. Lund, Senior Vice
President
Forge Group North America Asset
Management, LLC
4000 Town Center Blvd.
Canonsburg, PA 15317**

X/s/ Ellen Arvin Kennedy, Esq.

Signature of Attorney

June 4, 2014

Date

Ellen Arvin Kennedy, Esq.

Name of Attorney Firm (If any)

**Dinsmore & Shohl LLP
250 West Main Street
Suite 1400
Lexington, KY 40507**

Address

Telephone No. (859) 425-1000

PETITIONING CREDITORS

Name and Address of Petitioner Mineral Labs, Incorporated Box 549 Salyersville, KY 41465	Nature of Claim Goods & Services	Amount of Claim 100,000.00
Name and Address of Petitioner Marcum Oil Company, Inc. 27288 Wilderness Road Jonesville, VA 24263	Nature of Claim Goods & Services	Amount of Claim 4,493.25
Name and Address of Petitioner Forge Group North America Asset Mgmt. 4000 Town Center Blvd. Canonsburg, PA 15317	Nature of Claim Goods & Services	Amount of Claim 812,314.43
Note: If there are more than three petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's signature under the statement and the name of attorney and petitioning creditor information in the format above.		Total Amount of Petitioners' Claims 916,807.68

1 continuation sheets attached

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Name of Debtor J. A. D. Coal Company, Inc.

FORM 5 Involuntary Petition

Case No. _____

(Court use only)

PENDING BANKRUPTCY CASE(S) FILED BY OR AGAINST ANY PARTNER OR AFFILIATE OF THIS DEBTOR (Continuation Sheet)		
Name of Debtor Licking River Resources, Inc.	Case Number 14-10203	Date 05/23/2014
Relationship Affiliate	District Eastern District of Kentucky	Judge Tracey N. Wise
Name of Debtor Fox Knob Coal Co., Inc.	Case Number 14-60619	Date 05/23/2014
Relationship Affiliate	District Eastern District of Kentucky	Judge Tracey N. Wise
Name of Debtor S. M. & J., Inc.	Case Number 14-10220	Date 06/03/2014
Relationship Affiliate	District Eastern District of Kentucky	Judge Tracey N. Wise
Name of Debtor	Case Number	Date
Relationship	District	Judge
Name of Debtor	Case Number	Date
Relationship	District	Judge
Name of Debtor	Case Number	Date
Relationship	District	Judge
Name of Debtor	Case Number	Date
Relationship	District	Judge

1 of 1 continuation sheets attached

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF KENTUCKY

In Re:

J. A. D. Coal Company, Inc.,
Debtor.

Case No. _____
Involuntary
Chapter 11

CORPORATE DISCLOSURE STATEMENT OF
MINERAL LABS, INCORPORATED

Pursuant to Rule 7007.1 of the Federal Rules of Bankruptcy Procedure, the Petitioning Creditor, Mineral Labs, Incorporated makes the following disclosures:

1. Mineral Labs, Incorporated is a Kentucky corporation organized under the laws of the State of Kentucky.
2. Paul Lyon owns 100% shares of its common equity interests.

Dated this 29th day of May, 2014

Mineral Labs, Incorporated

By: /s/ Paul Lyon
Paul Lyon

Its: Chief Executive Officer

/s/ Ellen Arvin Kennedy, Esq.
Ellen Arvin Kennedy, Esq.
Dinsmore & Shohl LLP
250 West Main Street, Suite 1400
Lexington, KY 40507
Telephone: (859) 425-1000
Facsimile: (859) 425-1099
Email: ellen.kennedy@dinsmore.com
COUNSEL FOR MINERAL LABS, INCORPORATED

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF KENTUCKY

In Re:

J. A. D. Coal Company, Inc.,

Debtor.

Case No. _____
Involuntary
Chapter 11

CORPORATE DISCLOSURE STATEMENT OF
MARCUM OIL COMPANY, INC.

Pursuant to Rule 7007.1 of the Federal Rules of Bankruptcy Procedure, the Petitioning Creditor, Marcum Oil Company, Inc. makes the following disclosures:

1. Marcum Oil Company, Inc. is a corporation organized under the laws of the State of Virginia.
2. Wayne Marcum owns 100% shares of its common equity interests.

Dated this 2nd day of June, 2014

Marcum Oil Company, Inc.

By: Wayne Marcum
Wayne Marcum

Its: President

/s/ Ellen Arvin Kennedy, Esq.
Ellen Arvin Kennedy, Esq.
Dinsmore & Shohl LLP
250 West Main Street
Suite 1400
Lexington, KY 40507
Telephone: (859) 425-1000
Facsimile: (859) 425-1099
Email: ellen.kennedy@dinsmore.com
COUNSEL FOR MARCUM OIL COMPANY, INC.

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF KENTUCKY

In Re:

J. A. D. Coal Company, Inc.,
Debtor.

Case No. _____
Involuntary
Chapter 11

**CORPORATE DISCLOSURE STATEMENT OF
FORGE GROUP NORTH AMERICA ASSET MANAGEMENT, LLC**

Pursuant to Rule 7007.1 of the Federal Rules of Bankruptcy Procedure, the Petitioning
Creditor, Forge Group North America Asset Management, LLC makes the following disclosures:

1. Forge Group North America Asset Management, LLC is a Pennsylvania limited
liability company organized under the laws of the Commonwealth of Pennsylvania.

2. Forge Group, Inc., a Delaware corporation, owns 100% of its common equity
units.

Dated this 2nd day of June, 2014

Forge Group North America Asset Management, LLC

By: /s/ Kenneth J. Lund
Kenneth J. Lund

Its: Senior Vice President

/s/ Ellen Arvin Kennedy, Esq.

Ellen Arvin Kennedy, Esq.
Dinsmore & Shohl LLP
250 West Main Street, Suite 1400
Lexington, KY 40507
Telephone: (859) 425-1000
Facsimile: (859) 425-1099
Email: ellen.kennedy@dinsmore.com

**COUNSEL FOR FORGE GROUP NORTH
AMERICA ASSET MANAGEMENT, LLC**

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B 5 (Official Form 5) (12/07)

UNITED STATES BANKRUPTCY COURT Eastern District of Kentucky		INVOLUNTARY PETITION
IN RE (Name of Debtor - If Individual: Last, First, Middle) U.S. Coal Corporation	ALL OTHER NAMES used by debtor in the last 8 years (Include married, maiden, and trade names.)	
Last four digits of Social-Security or other Individual's Tax-I.D. No./Complete EIN (If more than one, state all.):		
STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code) 101 Helm Street, Suite 150 Lexington, Kentucky 40505	MAILING ADDRESS OF DEBTOR (If different from street address)	
COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS Fayette County, KY <div style="text-align: right;">ZIP CODE 40505</div>	<div style="text-align: right;">ZIP CODE</div>	
LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (If different from previously listed addresses) In possession of the Debtor and the Debtor's affiliates, which are debtors in separate cases in U.S. Bankr. Ct. E.D. Ky		
CHAPTER OF BANKRUPTCY CODE UNDER WHICH PETITION IS FILED <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Chapter 7 <input checked="" type="checkbox"/> Chapter 11 </div>		
INFORMATION REGARDING DEBTOR (Check applicable boxes)		
Nature of Debts (Check one box.) Petitioners believe: <input type="checkbox"/> Debts are primarily consumer debts <input checked="" type="checkbox"/> Debts are primarily business debts	Type of Debtor (Form of Organization) <input type="checkbox"/> Individual (Includes Joint Debtor) <input checked="" type="checkbox"/> Corporation (Includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box.) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101(51)(B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other
VENUE <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in the District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input checked="" type="checkbox"/> A bankruptcy case concerning debtor's affiliate, general partner or partnership is pending in this District.		FILING FEE (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Petitioner is a child support creditor or its representative, and the form specified in § 304(g) of the Bankruptcy Reform Act of 1994 is attached. [If a child support creditor or its representative is a petitioner, and if the petitioner files the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.]
PENDING BANKRUPTCY CASE FILED BY OR AGAINST ANY PARTNER OR AFFILIATE OF THIS DEBTOR (Report information for any additional cases on attached sheets.)		
Name of Debtor Licking River Mining, LLC	Case Number 14-10201	Date see attached page for add'l cases
Relationship Subsidiary	District E.D. Ky, Ashland Div.	Judge
ALLEGATIONS (Check applicable boxes) 1. <input checked="" type="checkbox"/> Petitioner (s) are eligible to file this petition pursuant to 11 U.S.C. § 303 (b). 2. <input checked="" type="checkbox"/> The debtor is a person against whom an order for relief may be entered under title 11 of the United States Code. 3. a. <input checked="" type="checkbox"/> The debtor is generally not paying such debtor's debts as they become due, unless such debts are the subject of a bona fide dispute as to liability or amount; or b. <input type="checkbox"/> Within 120 days preceding the filing of this petition, a custodian, other than a trustee receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.		COURT USE ONLY

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Name of Debtor U.S. Coal Corporation

Case No. _____

TRANSFER OF CLAIM		
<input type="checkbox"/> Check this box if there has been a transfer of any claim against the debtor by or to any petitioner. Attach all documents that evidence the transfer and any statements that are required under Bankruptcy Rule 1003(a).		
REQUEST FOR RELIEF Petitioner(s) request that an order for relief be entered against the debtor under the chapter of title 11, United States Code, specified in this petition. If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.		
Petitioner(s) declare under penalty of perjury that the foregoing is true and correct according to the best of their knowledge, information, and belief.		
<div style="display: flex; justify-content: space-between;"> <div> <p><input checked="" type="checkbox"/> Signature of Petitioner or Representative (State title)</p> <p><u>Kolmar Americas, Inc.</u></p> <p>Name of Petitioner _____</p> <p>Name & Mailing _____</p> <p>Address of Individual _____</p> <p>Signing in Representative _____</p> <p>Capacity _____</p> </div> <div> <p><u>Kevin M. Luddy, EVP/CFO</u></p> <p><u>Kolmar Americas, Inc.</u></p> <p><u>10 Middle Street</u></p> <p><u>Bridgeport, CT 06604</u></p> </div> </div>	<div style="display: flex; justify-content: space-between;"> <div> <p><input checked="" type="checkbox"/> Signature of Attorney</p> <p><u>Daniel I. Waxman, Esq., Wyatt Tarrant & Combs LLP</u></p> <p>Name of Attorney Firm (If any) _____</p> <p><u>250 West Main Street, Suite 1800</u></p> <p>Address _____</p> <p><u>Lexington, KY 40507</u></p> <p>Telephone No. _____</p> <p><u>(859) 233-2012</u></p> </div> <div> <p><u>06/10/2014</u></p> <p>Date _____</p> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div> <p><input checked="" type="checkbox"/> Signature of Petitioner or Representative (State title)</p> <p>Name of Petitioner _____</p> <p>Name & Mailing _____</p> <p>Address of Individual _____</p> <p>Signing in Representative _____</p> <p>Capacity _____</p> </div> <div> <p>Date Signed _____</p> </div> </div>	<div style="display: flex; justify-content: space-between;"> <div> <p><input checked="" type="checkbox"/> Signature of Attorney</p> <p>Name of Attorney Firm (If any) _____</p> <p>Address _____</p> <p>Telephone No. _____</p> </div> <div> <p>Date _____</p> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div> <p><input checked="" type="checkbox"/> Signature of Petitioner or Representative (State title)</p> <p>Name of Petitioner _____</p> <p>Name & Mailing _____</p> <p>Address of Individual _____</p> <p>Signing in Representative _____</p> <p>Capacity _____</p> </div> <div> <p>Date Signed _____</p> </div> </div>	<div style="display: flex; justify-content: space-between;"> <div> <p><input checked="" type="checkbox"/> Signature of Attorney</p> <p>Name of Attorney Firm (If any) _____</p> <p>Address _____</p> <p>Telephone No. _____</p> </div> <div> <p>Date _____</p> </div> </div>	
PETITIONING CREDITORS		
<p>Name and Address of Petitioner <u>Kolmar Americas, Inc., 10 Middle Street</u> <u>Bridgeport, CT 06604</u></p>	<p>Nature of Claim <u>Business debt</u></p>	<p>Amount of Claim <u>\$1,360,504.18</u></p>
<p>Name and Address of Petitioner</p>	<p>Nature of Claim</p>	<p>Amount of Claim</p>
<p>Name and Address of Petitioner</p>	<p>Nature of Claim</p>	<p>Amount of Claim</p>
<p>Note: If there are more than three petitioners, attach additional sheets with the statement under penalty of perjury, each petitioner's signature under the statement and the name of attorney and petitioning creditor information in the format above.</p>		<p>Total Amount of Petitioners' Claims</p>

_____ continuation sheets attached

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List of Additional Pending Bankruptcy Cases Filed By Affiliates of the Debtor

In re Licking River Resources, Inc., Case No. 14-10203 (U.S. Bankr. Ct., E.D. Ky, Ashland Div.)

In re S.M. & J., Inc., Case No. 14-10220 (U.S. Bankr. Ct., E.D. Ky, Ashland Div.)

In re Fox Knob Coal Co., Inc., Case No. 14-60619 (U.S. Bankr. Ct., E.D. Ky, London Div.)

In re J.A.D. Coal Company, Inc., Case No. 14-60676 (U.S. Bankr. Ct., E.D. Ky, London Div.)